

BOARD OF SELECTMEN – NOVEMBER 4, 2013

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the Regular Meeting to order at 7:00 P.M. in the Selectmen's conference room in the Town Offices. Roll call: Chairman Vispoli-Y and Selectmen Paul Salafia-Y, Brian Major-Y, Mary Lyman-Y and Dan Kowalski-Y. Also present: Town Manager Reginald S. Stapczynski, Town Clerk Larry Murphy, and Town Counsel Thomas Urbelis. The meeting was duly posted and cablecast live.

II. Executive Session

Chairman Vispoli called the meeting to order at 6:00 P.M. in the in the Selectmen's conference room at the Town Offices. On a motion duly made and seconded, the Board voted to enter into Executive Session for confidential communications with Town Counsel and Special Town Counsel for legal advice and to discuss litigation strategy in the case of Berberian v. Andover and collective bargaining strategy and to return to Open Session. Roll call: Chairman A. Vispoli-Y and Selectmen D. Kowalski-Y, B. Major-Y, and M. Lyman-Y. At 6:48 P.M. on a motion by Selectman Major and seconded by Selectman Kowalski, the Board voted 5-0 to adjourn. Roll call: Chairman A. Vispoli-Y and Selectmen P. Salafia-Y, B. Major-Y, M. Lyman-Y, and D. Kowalski-Y.

III. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Vispoli opened the meeting with a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

~ The November 11th Veterans' Day ceremonies arranged by Mike Burke, Director of Veterans Services, will begin at the West Parish Cemetery at 10:00 A.M., then the Spring Grove Cemetery at 11:00 A.M. and end at the Ballardvale Green at 12:00 P.M.

~ The Tax Classification Public Hearing will be held at the next Board of Selectmen's Meeting on November 18th. The Capital Improvement Program (CIP) report will be issued on Friday, November 8th and the Mid-year Review will be presented on November 20th at the Public Safety Center with a presentation by the Economic Development Council.

Town Clerk Larry Murphy said the ruling on the request to eliminate the substation precincts was favorable and the requests have been referred to the Senate Rules Committee.

V. Citizens Petitions & Presentations

Mary Carbone, 3 Cyr Circle, hopes that upon resolution of the issues surrounding

litigation, the information will be shared with the residents.

VI. James Berberian regarding 2-4 Bancroft Road

Mr. Berberian addressed the Board regarding an incident that occurred in November 2010 at 2-4 Bancroft Road when the water storage tank located by the Bancroft School was cleaned and sediment discharged from the bottom of the tank, which he claims was toxic and improperly disposed of, drained onto his property creating a health risk to his family. He stated the mission and values of the Board is to protect its residents. Mr. Berberian referred to public documents, emails, reports and letters, relating to the incident and wants to make sure the Board is aware of the information that has been sent and reported, and he made accusatory remarks about how the Town/Board has handled this incident.

Chairman Vispoli read a statement from the Board with regard to the property at 2-4 Bancroft Road. The issue of discharge is in litigation which began when Mr. Berberian sued the Town in Federal District Court in February 2012 limiting the Board of Selectmen to what can be said about this matter. The drinking water supplied to Andover residents has been tested and found to meet drinking water standards set by the Mass. Department of Environmental Protection Agency. In October 2011, the Town's consulting Professional Engineer provided a report on the quality of Andover's drinking water which stated it is not uncommon for sediment to build-up at the bottom of large water storage tanks and water moving through a large tank does so at a very low velocity, thus the tank acts as a sink collecting any solids and natural occurring dissolved metals which fall out of solution from the water. Even with the presence of this sediment the water was tested with the EPA, and MassDEP and the testing has consistently indicated that Andover's drinking water meets all of their standards and this includes a water sample recently collected from the Town's distribution system adjacent to the Bancroft Tank. The MassDEP has been involved in this matter since 2011 and Town consultants have filed reports and documents to the DEP and later this month the Town's consulting Licensed Site Professional will file a report with the DEP that includes a human health risk assessment regarding the discharge as requested by the DEP. Because this matter is still the subject of ongoing litigation the members of the Board of Selectmen cannot comment further.

VII. Public Hearings

A. Wine & Malt Package Store License

Selectman Major motioned to approve the request of Verc Enterprises, Inc., d/b/a Verc Andover Mobil, 5 Chestnut Street, Duxbury, MA for a Wine & Malt Package Store Alcoholic Beverage License at 309 Lowell Street, Andover. Gary Hoffman will be the designated Manager on the license. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

B. National Grid – Continued from October 7, 2013

The Town Manager said information requested from National Grid at the previous meeting relative to reliability of service, secondary faults, with primary lines being improved (not secondary lines) has all been addressed. National Grid said replacements of primary lines will improve service taking care of the secondary lines.

Residents of the area in the audience were concerned about loss of service, and replacement/repair of private property due to the trench work being performed. A representative from National Grid said service interruption would be minimal and residents would be notified beforehand. Chris Cronin, Acting DPW Director, said the Town will oversee the work done by National Grid to ensure it is satisfactorily completed. Residents can also use the online service 'See, Click, Fix' to alert the DPW of a problem; the link is on the Town website www.aps1.net.

On a motion by Selectman Lyman and seconded by Selectman Major, the Board voted 5-0 to approve the request of National Grid for permission to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the following public way: ~ Algonquin Avenue – Install approximately 2,535' of 2-4" conduits and 6 handholes on Algonquin Avenue and install approximately 1,215' of 2-3" conduits on Comanche Place, Seminole Circle and Sioux Circle as shown on Plan #14689641 dated 5/23/13. The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the Department of Public Works prior to the commencement of the work at both locations.

C. Columbia Gas of Massachusetts

Selectman Kowalski motioned to approve the request of Columbia Gas of Massachusetts for permission to excavate for the purpose of replacing and/or extending its gas mains to make the following house connections:

~Install 2,350' of 4 inch HDPE gas main to extend service to 20 homes along Ballardvale Road, Teaberry Lane and Blackberry Lane. The extension will come off of the 4psi gas mains on Woburn Street and run down the north side of Ballardvale Road to service Teaberry Lane and Blackberry Lane. The approximate location is shown on Plan #13-13953 dated 10/25/13.

~Install approximately 220 feet of new 4 inch HDPE gas main extension within the public right of way on Chestnut Street to provide service to new customer at #192 Chestnut Street. The approximate location is shown on Plan #13-15211 dated 10/25/13.

~Install approximately 450 feet of new 4 inch HDPE gas main extension on Courtney Lane. Courtney Lane is a private road, however, CMA is required to tie into its existing main

located in front of 17 County Road and run approximately 5' of 4 inch HDPE gas main within the public right of way in order to get onto the private road. This project is proposed to provide service to two new customers on Courtney Lane. The approximate location is shown on Plan #13-14669 dated 10/25/13.

~Install 220 feet of 4 inch HDPE gas main to extend service to homes at 107 and 112 High Plain Road. The extension will come off of the current high pressure gas main located in front of 120 High Plain Road. The approximate location is shown on Plan #13-16599 dated 10/25/13. Note: the service to the High Plain Road is at 112, not 122.

The requests have been reviewed and approved by the Department of Public Works subject to the condition that street opening permits must be obtained from the Department of Public Works prior to the commencement of any construction. The motion was seconded by Selectman Major and voted 5-0 to approve.

VIII. Regular Business of the Board

A. Amendments to the Traffic Rules & Regulations

Police Department Safety Officer Charles Edgerly explained the recommendations to amend the Traffic Rules & Regulations for parking along Blanchard Street and High Street as proposed. Members of the audience have some issues with the no parking signs being placed on both sides of Blanchard Street, the number of signs and where they will be placed, and why the gates to the parking lot are not locked. The neighbors present said they were not notified about a meeting on November 7th with Officer Edgerly. The Board agreed to hold on voting on "No Parking" on both sides of Blanchard Street until after the residents meet with Officer Edgerly.

Section 1, Article V, Section 2 – PARKING

Add:

- "No Parking" on both sides of Blanchard Street from Osgood Street to Devonshire Place. Hold No vote
- "No Parking" on the west side of High Street from #56 to #58 for 16 feet

Selectman Major motioned to amend Section 1, Article V, Section 2 – PARKING, by adding "No Parking" on the west side of High Street from #56 to #58 for 16 feet. The motion was seconded by Paul Salafia and voted 5-0 to approve.

Section 3, Article VII, Section 9, ISOLATED STOPS

Remove:

- "Stop" sign at Harding Street at High Street
- "Stop" sign at Walnut Avenue at High Street

Add:

- “Stop” sign at Harding Street at High Street – All Way
- “Stop” sign at Walnut Avenue at High Street – All Way
- “Stop” sign at High Street at Walnut Avenue – All Way
- “Stop” sign at High Street at Harding Street – All Way

Selectman Major motioned the Board vote to approve the changes to Section 3, Article VII, Section 9, ISOLATED STOPS as proposed. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

B. Andover Youth Foundation Grant Agreement

The Town Manger provided the amended AYF Grant Agreement to the Board to sign. On a motion by Selectman Salafia and seconded by Selectman Major, the Board voted 5-0 to sign the amended Andover Youth Foundation Grant Agreement as presented.

C. Easements

1. Selectman Major motioned for the Board to sign an underground easement agreement for the installation of equipment on property at 50 Bartlet Street granting National Grid the right to install, own, operate and properly maintain equipment on private property to provide service. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

2. Turnaround easement for Filter Bed Road from Jeffco, Inc. to the Town of Andover

Selectman Salafia motioned for the Board to vote to sign the turnaround agreement for the Filter Bed Road from Jeffco, Inc. to the Town of Andover. There was no second, motion failed.

There was concern there would be no guarantee Wells Fargo would sign the agreement.

Selectman Lyman motioned the Board sign the easement agreement with the understanding it will not be released until financing from a financial institution is substantiated. The motion was seconded by Selectman Kowalski and voted 5-0 to approve.

D. Skating Rink at The Park

Mary Montbleau, Director of Community Services, requested the Board consider the use of The Park for a winter ice skating rink. DCS has communicated with the DPW and other Town departments to ensure assistance to help maintain the rink. It will be used for free skating only, no hockey and available with weather permitting through March 1, 2014. They already have liability insurance but will get a confirmation from the insurance company that nothing further is required. The Town Manager said there is a specific set of rules for The Park and a public hearing should be scheduled and neighbors notified.

The Board agreed to schedule a public hearing for November 18th.

E. James D. Doherty Town House Plaque

The Town Manager updated the Board on the status of the James D. Doherty Town House plaque. The design for the plaque is complete and the next step is to get preliminary quotes on construction of the plaque. Selectman Salafia said they will inform the Preservation Commission about the bronze plaque and the lettering "James D. Doherty Town Meeting Hall" that will be placed over the stage.

F. Town Accountant Subcommittee

Selectmen Kowalski updated the Board on the status of the Town Accountant's position. The job posting closed on October 18th and the Search Committee has been selected. The Search Committee will meet on October 30th to begin reviewing resumes and credentials. Interviews will be held on November 14th and 15th and the Board needs to decide upon a date to interview the final candidates. After discussion, the Board agreed to interview candidates on November 25th and to make a decision by December 2nd.

G. Disposal of Surplus Property

On a motion by Selectman Kowalski and seconded by Selectman Major, the Board voted 5-0 to approve the request of Paul Szymanski, Assistant Superintendent for Finance & Administration, for the disposal of surplus property (textbooks – Bancroft & Shawsheen Elementary Schools).

H. 2014 Annual Town Election and Town Meeting Calendar

Town Clerk Larry Murphy reported the Annual Town Meeting has been scheduled for the first week in May and all four nights of the meeting will be held at the Collins Center. Using the Collins Center rather than the Collins Field House saves \$6,500 and provides improved seating and acoustics. Town Moderator Sheila Doherty suggested that if there is a known contentious item on the Warrant, the Board should consider reserving the Collins Field House.

On a motion by Selectman Major and seconded by Selectman Kowalski, the Board unanimously voted to open the 2014 Annual Town Meeting Warrant on November 4, 2013 and close the Warrant on Friday, January 31, 2014 at 4:30 P.M.

I. Future Meeting Dates

The Board set the dates of December 2nd and 16th and January 6th and 27th for future Regular Session Meetings and a Tri-Board Meeting on December 9th.

IX. Consent Agenda

A. Change of Manager

Selectman Lyman motioned to approve the request of Carolyn Conway, MHF

Andover Manager III, LLC, d/b/a Residence Inn, 500 Minuteman Road, Andover, for a Change of Manager on their Wine & Malt Innholder License. The new Manager on the license will be Priscilla Dias. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

B. Appointments and Re-Appointments

Selectman Kowalski motioned that the following appointments by the Town Manager be approved:

| DEPARTMENT | POSITION | RATE | EFF. DATE |
|---------------------------|---------------------------|----------------|-----------|
| <u>POLICE DEPARTMENT</u> | | | |
| Joseph T. Allard III | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Daniel T. Vining | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Kyle S. MacKenzie | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Matthew R. McMahon | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Thomas N. Paolera | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Andrew M. LeBreque | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Michael F. Grimes | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Barry N. Dubois | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Derek G. Deranian | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| Christopher Hughes | Permanent Reserve | \$24.46/hr. | 11/5/13 |
| | Intermittent Officer – PT | | |
| <u>COMMUNITY SERVICES</u> | | | |
| Devin S. Duncan | Counselor – PT | C2A/\$8.00/hr. | 10/21/13 |
| <u>YOUTH SERVICES</u> | | | |
| Jacqueline Dean | Counselor 1 – PT | C2C/\$8.50/hr. | 10/1/13 |
| Vivian Steinbaugh | Counselor 1 – PT | C2C/\$8.50/hr. | 10/1/13 |

| DEPARTMENT | POSITION | RATE | EFF. DATE |
|------------|----------|------|-----------|
|------------|----------|------|-----------|

PLANT & FACILITIES DEPARTMENT – Administration Division

Lida J. Jenney Office Assistant II – PT – Temp IE12-1/\$21.15/hr. 11/5/13
(v. J. Nicosia)

The motion was seconded by Selectman Lyman and voted 5-0 to approve.

Selectman Kowalski motioned the Board of Selectmen approve the following appointments by the Town Manager:

BALLARDVALE HISTORIC DISTRICT COMMISSION

Sheldon A. Fine – Regular Member – Term expires 6/30/16
(v. D. Hart)

COMMISSION ON DISABILITY

Donna Gorzela – Term expires 6/30/14
(v. N. Hogan)

ECONOMIC DEVELOPMENT COUNCIL

Michelle Macaux – Term expires 6/30/16
John Fenton – Term expires 6/30/15

GREEN ADVISORY BOARD

Girish S. Rao – Term expires 6/30/15
(v. T. Parrill)

On a motion by Selectman Kowalski and seconded by Selectman Major the Board voted 5-0 to approve the following appointments:

SCHOLARSHIP COMMITTEE

Carolyn Hanson – Term expires 6/30/14
(v. J. Duff)

| DEPARTMENT | POSITION | RATE | EFF. DATE |
|------------|----------|------|-----------|
|------------|----------|------|-----------|

ACCOUNTING

Theo Moccia Acting Town Accountant M-2-2-6/\$91,305 11/3/13
(v. R. Smith)

X. Approval of Minutes from Previous Meetings

On a motion by Selectman Kowalski and seconded by Selectman Salafia, the Board voted 5-0 to approve the Tri-Board Meeting Minutes of September 16, 2013, the Special Meeting Minutes of September 30, 2013 and the Regular Meeting Minutes of October 7, 2013.

XI. Adjournment

At 10:12 P.M., on a motion by Selectman Salafia and seconded by Selectmen Kowalski, the Board unanimously voted to adjourn.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recording Secretary

Documents: Public Hearing Notices
National Grid Easement Documentation
DCS Letter regarding Ice Skating in The Park
Copy of proposed plaque for James D. Doherty